

FILED

IN THE UNITED STATES DISTRICT COURT

MAR - 4 2011

FOR THE DISTRICT OF MONTANA

PATRICK E. DUFFY, CLERK

By _____
DEPUTY CLERK, MISSOULA

MISSOULA DIVISION

ANTHONY BRODZKI,

Plaintiff,

vs.

MONTANA STATE PATROL, TEXAS
STATE PATROL, ILLINOIS PATROL,
MINNESOTA STATE PATROL, IOWA
STATE PATROL, ARIZONA STATE
PATROL, NEBRASKA STATE
PATROL, and OKLAHOMA STATE
PATROL,

Defendants.

Cause No. CV-11-00034-M-DWM-JCL

RECOMMENDATION AND ORDER

This matter comes before the Court on Plaintiff Anthony Brodzki's Motion to Proceed in Forma Pauperis (Dkt. 1) and proposed Complaint (Dkt. 2). Mr. Brodzki is proceeding without counsel.

Permission to proceed in forma pauperis is discretionary with the Court. See 28 U.S.C. § 1915(a). Leave to proceed in forma pauperis should be granted if the affidavit sufficiently indicates the affiant cannot pay court costs and still provide the necessities of life for himself and his family. *Adkins v. E. I. Du Pont De Nemours & Co., Inc.*, 335 U.S. 331, 339 (1948). "A district court may deny

leave to proceed in forma pauperis at the outset if it appears from the face of the proposed complaint that the action is frivolous or without merit." *Tripati v. First Nat'l Bank & Trust*, 821 F.2d 1368, 1370 (9th Cir. 1987).

Brodzki alleges, "these police departments have been using electronic disorientation equipment to torture me since 2007." (Dkt. 2, p. 2). He contends he was raped when he was seven years old and the Chicago Police Department, the Cook County Sheriff, and the Illinois State Patrol were involved and that this equipment has been around for the last 40 years. He alleges there has been a concentrated effort to harass, water board, and torture him since 2007.

He alleges he was hooked up to electronic equipment in 2007 in Las Vegas and the Montana State Patrol did this when he tried to drive through Montana. He contends the other state patrols participated in this project also and they are all wired into the same computer electronic system and harass and torture him every time he drives through their states. He asks for an injunction requiring all state patrols to stop harassing him.

Brodzki's allegations are fantastic, delusional, irrational, and frivolous. Brodzki has a history of filing frivolous lawsuits. He has alleged these same or similar facts in many previous suits, which have been dismissed. According to the National Case Party Index database, Brodzki has filed 52 civil actions, nine

appeals, and one bankruptcy since August 26, 2009, approximately 62 cases in a year and a half.

The Northern District of Illinois has issued a vexatious litigant order against Brodzki. *See In Re: Anthony J. Brodzki*, Civil Docket No. 1:10-CV-04591 (Order dated July 23, 2010). Brodzki has also been monetarily sanctioned in the Northern District of Texas based upon his history of submitting multiple frivolous lawsuits. *See Brodzki v. North Richland Hills Police Department*, Civil Action No. 3:10-CV-0539-P-BH (Order dated March 31, 2010).

Many of Brodzki's prior lawsuits were found to be frivolous and as one Court stated "wholly within in the realm of fantasy." *Brodzki v. Regional Justice Center*, D.Nev. Civil Docket No. 2:10-CV-01091-LDG-LRL (Order dated July 22, 2010). Brodzki's prior claims frequently involved allegations of electronic harassment by law enforcement. His current complaint is no different.

Brodzki's Motion to Proceed in Forma Pauperis should be denied because his claims are frivolous and without merit. *See Tripathi v. First Nat'l Bank & Trust*, 821 F.2d 1368, 1370 (9th Cir. 1987). Because Mr. Brodzki is not entitled to a ten-day period to object, this Order will be entered directly upon endorsement. *See Minetti v. Port of Seattle*, 152 F.3d 1113, 1114 (9th Cir. 1998) (per curiam). No motion for reconsideration will be entertained.

While the Court ordinarily gives litigants an opportunity to pay the \$350.00 filing fee, it should not do so in this case. Brodzki's claims are frivolous. In addition, he has a history of abusing the system and filing repetitive, frivolous lawsuits. Brodzki knew or should have known, from his previous filings, he probably would not be permitted to proceed in forma pauperis.

Based on the foregoing, the Court **RECOMMENDS** the following Order be issued by Judge Molloy.

DATED this 3rd day of March, 2011.

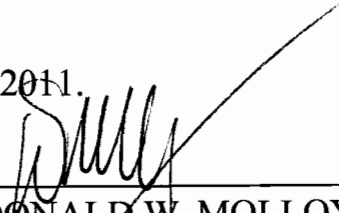

Jeremiah C. Lynch
United States Magistrate Judge

Based upon the above Recommendation by Judge Lynch, the Court issues the following:

ORDER

1. Plaintiff's Motion to Proceed in Forma Pauperis (Dkt. 1) is **DENIED**.
2. Plaintiff's Complaint (Dkt. 2) is **DISMISSED** and the Clerk of Court shall close the file.

DATED this 4th day of March, 2011.


DONALD W. MOLLOY
United States District Judge